

1216.406

70, Evaluation of Offers Subject to an Economic Price Adjustment Clause, in solicitations containing an economic price adjustment clause.

Subpart 1216.4—Incentive Contracts

1216.406 Contract clauses.

(e)(1)(i) The contracting officer shall insert the clause at (TAR) 48 CFR 1252.216-71, Determination of Award Fee, in all cost-plus-award-fee solicitations and contracts.

(ii) The contracting officer shall insert the clause at (TAR) 48 CFR 1252.216-72, Performance Evaluation Plan, in all cost-plus-award-fee solicitations and contracts.

(iii) The contracting officer shall insert the clause at (TAR) 48 CFR 1252.216-73, Distribution of Award Fee, in all cost-plus-award-fee solicitations and contracts.

[59 FR 40277, Aug. 8, 1994. Redesignated and amended at 62 FR 67751, Dec. 30, 1997]

Subpart 1216.5—Indefinite-Delivery Contracts

1216.505 Ordering.

(b)(4) Unless otherwise provided in OA procedures, the OA Competition Advocate is designated as the OA Task and Delivery Order Ombudsman.

(i) If any corrective action is needed after reviewing complaints from contractors on task and delivery order contracts, the OA Ombudsman shall provide a written determination of such action to the contracting officer.

(ii) Issues that cannot be resolved within the OA, are to be forwarded to the DOT Task and Delivery Order Ombudsman for review and resolution.

[61 FR 50249, Sept. 25, 1996]

Subpart 1216.6—Time-and-Materials, Labor-Hour, and Letter Contracts

1216.603 Letter contracts.

1216.603-4 Contract clause.

The contracting officer shall insert the clause at (TAR) 48 CFR 1252.216-74,

48 CFR Ch. 12 (10-1-03 Edition)

Settlement of Letter Contract, in all definitized letter contracts.

PART 1217—SPECIAL CONTRACTING METHODS

Subpart 1217.70—Fixed Price Contracts for Vessel Repair, Alteration or Conversion

Sec.

1217.7000 Clauses.

Subpart 1217.71—Energy Savings Performance Contracts

1217.7100 Policy.

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

SOURCE: 59 FR 40277, Aug. 8, 1994, unless otherwise noted.

Subpart 1217.70—Fixed Price Contracts for Vessel Repair, Alteration or Conversion

1217.7000 Clauses.

The following clauses are to be used in specific solicitations and contracts:

(a) The clauses set forth in (TAR) 48 CFR 1252.217-71 through (TAR) 48 CFR 1252.217-74 and (TAR) 48 CFR 1252.217-76 through (TAR) 48 CFR 1252.217-80 shall be included and clause (TAR) 48 CFR 1252.217-75 may be included in sealed bid fixed-price solicitations and contracts for vessel repair, alteration, or conversion which are to be performed within the United States, its possessions, or Puerto Rico.

(b) Unless inappropriate, the clauses set forth in (TAR) 48 CFR 1252.217-71 through (TAR) 48 CFR 1252.217-74 and (TAR) 48 CFR 1252.217-76 through (TAR) 48 CFR 1252.217-80 should be included and (TAR) 48 CFR 1252.217-75 may be included in negotiated solicitations and contracts to be performed outside the United States.

(c) The clause at (TAR) 48 CFR 1252.217-81, Guarantee, shall be used where general guarantee provisions are deemed desirable by the contracting officer.

(1) When inspection and acceptance tests will afford full protection to the Government in ascertaining conformance to specifications and the absence

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of defects and deficiencies, no guarantee clause for that purpose shall be included in the contract.

(2) The customary guarantee period, to be inserted in the first sentence of the clause at (TAR) 48 CFR 1252.217-81, Guarantee, is 60 days. However, in certain instances, the contracting officer may desire to include a clause in a contract for a guarantee period of more than 60 days. In such instances:

(i) Where, after full inquiry, it has been determined that such longer guarantee period will not involve increased costs, a longer guarantee period may be substituted by the contracting officer for the usual 60 days; or

(ii) Where the full inquiry discloses that such longer guarantee period will involve, or is reasonably expected to involve, increased costs, such facts and the reasons for the need for such longer period shall be set forth in letter form to the COCO, requesting approval for use of guarantee period in excess of 60 days. Upon approval, the longer period may be inserted by the contracting officer in the first sentence of the clause at (TAR) 48 CFR 1252.217-81, Guarantee.

Subpart 1217.71—Energy Savings Performance Contracts

1217.7100 Policy.

Federal agencies may enter into multi-year contracts for a period of up to 25 years under Title VIII of the National Energy Conservation Policy Act, 42 U.S.C. 8287, as amended. Energy savings performance arrangements are appropriate where a contractor makes improvements and/or operating changes to Federally-owned buildings and facilities to improve energy efficiency, at no cost to the Federal Government in exchange for a share of en-

ergy savings directly resulting from the changes. Proposed actions under this section shall be coordinated with M-60.

PART 1219—SMALL BUSINESS PROGRAMS

Subpart 1219.2—Policies

Sec.

1219.201 General policy.

Subpart 1219.7—Subcontracting With Small Business, Small Disadvantaged Business and Women-Owned Small Business Concerns

1219.708 Solicitation provisions and contract clauses.

1219.708-70 DOT solicitation and contract clause.

Subpart 1219.10—Small Business Competitiveness Demonstration Program

1219.1005 Applicability.

1219.1006 Procedures.

APPENDIX A TO SUBPART 1219.10

AUTHORITY: 5 U.S.C. 301; 41 U.S.C. 418(b); 48 CFR 3.1.

SOURCE: 59 FR 40278, Aug. 8, 1994, unless otherwise noted.

Subpart 1219.2—Policies

1219.201 General policy.

(c) The Director, Office of Small and Disadvantaged Business Utilization (S-40), is responsible for the implementation and execution of the small and small disadvantaged business programs required by sections 8 and 15 of the Small Business Act.

[59 FR 40278, Aug. 8, 1994, as amended at 61 FR 50249, Sept. 25, 1996]